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Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Secretary-General on Khmer Rouge trials*

Summary

In paragraph 4 of its resolution 57/228 B of 13 May 2003, the General Assembly requested the Secretary-General to report to the Assembly at its fifty-eighth session on the implementation of that resolution. In document A/58/617 of 3 December 2003, I provided an interim report on the Khmer Rouge trials, pending the visit of an assessment team to Phnom Penh.

The present report provides details on the progress achieved in preparing for the entry into force and implementation of the Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea, addresses the issue of resource requirements and resource mobilization and outlines the next steps to be taken in preparing for the entry into force and implementation of the Agreement.

* The need to hold extensive consultations contributed to the late submission of the present document.

04-55050 (E) 081104

I. Introduction and background

1. In my interim report of 3 December 2003 (A/58/617), Member States were given an interim account of the state of preparations for the entry into force of the Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea ("the Agreement"). Since then, there have been some encouraging developments, albeit overall progress has been slow and tentative.

2. The formation of a new Government on 15 July 2004 provides Cambodia with the opportunity to address the many vital issues facing the country, chief among them the advancement of the rule of law, of the process of judiciary reform and of national reconciliation. In early October 2004, the National Assembly and the Senate approved the Agreement, together with amendments to the Cambodian Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea ("the Law") aimed at bringing that Law into conformity with the Agreement. At the time of this writing, the Agreement has not yet been fully ratified. It is expected, however, that the relevant authorities will proceed with ratification without delay.

II. Planning and preparing for the Extraordinary Chambers

3. Pending the constitution of a new Royal Government of Cambodia and ratification of the Agreement by the legislative organs, my strategy has been to work closely with the acting governmental authorities on a number of essential planning and preparatory tasks. These have included:

- Designing a concept of operations for the Extraordinary Chambers and their related institutions based on the Agreement
- Identifying premises, together with related utilities, equipment, facilities and services
- Developing parameters for budget estimates
- Apportioning between Cambodia and the United Nations responsibilities for the costs of utilities and services and for safety and security arrangements in accordance with article 17 (b) and (e) of the Agreement
- Identifying such other limited assistance as the United Nations may need to provide, pursuant to article 17 (f) of the Agreement, in order to ensure the smooth functioning of the investigation, the prosecution and trials.

4. Support by the United Nations to the establishment and the operation of the Extraordinary Chambers is being organized as a United Nations technical assistance project.

5. I have found it productive and beneficial to maintain close contact with interested States Members of the United Nations and other potential donors, to seek technical support, advice and expertise from other United Nations programmes and international criminal tribunals and to obtain suggestions from and provide briefings to the non-governmental organizations (NGO) community.

Contacts with the Cambodian Government Task Force

6. In order to establish a collaborative framework with the Cambodian Government Task Force for Cooperation with Foreign Legal Experts for the Preparation of the Proceedings for the Trial of Senior Khmer Rouge Leaders (the "Task Force"), as an essential condition for an effective planning process and the eventual implementation of the project, a United Nations technical team travelled to Phnom Penh from 7 to 13 December 2003, composed of a United Nations coordinator, a judicial adviser, a senior legal officer, a political affairs officer and a court facilities manager. The Task Force and the United Nations technical team worked on a preliminary concept of operations for the Extraordinary Chambers, including an organizational chart, task lists, time lines and other key parameters. Also reviewed were staffing requirements, specifications for premises and other resource needs.

7. A follow-up visit to Phnom Penh by a United Nations team from 8 to 20 March 2004 focused on preparing preliminary cost estimates and clarifying the division of operational responsibilities between Cambodia and the United Nations pursuant to the Agreement. Furthermore, the choice of premises for the court offices and for the trial venue was finalized. I wish to express appreciation to the Government of Australia for defraying the travel costs of the United Nations technical team for both visits.

8. On its side, the Task Force has been active by planning professional training for Cambodian court personnel in the framework of a United Nations Development Programme (UNDP) technical cooperation project, by compiling a compendium of legal texts relevant to the Extraordinary Chambers and by preparing an information booklet and an information seminar on the Extraordinary Chambers.

Contacts with interested Member States

9. Regular informal meetings of a group of interested Member States have been convened by the Secretariat. The purpose of the initial meetings was to brief potential donors on the status of discussions with the Task Force and to seek their feedback. The Secretariat's technical assessment report, containing a draft operational concept, an organizational chart, a tentative staffing table and an implementation timetable, was presented on 23 February 2004. Preliminary cost estimates were submitted on 31 March 2004. Since then, discussions have centred on the resource needs of the Extraordinary Chambers and on the precise allocation of funding responsibilities between Cambodia and the United Nations. From 18 December 2003 to 30 June 2004, 13 such meetings were held with interested States, including the Government of Cambodia, of which 4 were held in Phnom Penh at the beginning and the end of each visit by the United Nations technical team.

Contacts with United Nations programmes and international criminal courts

10. The UNDP country office in Phnom Penh has provided logistical support to the technical assessment team while in Cambodia and has organized contacts with national counterparts, political party leaders and the media. Additionally, UNDP has shared its experience from a technical cooperation project assisting Cambodia in the area of legal and judicial reform. The Cambodian Office of the United Nations High Commissioner for Human Rights has acted as intermediary with national NGOs.

11. Current and former staff of the International Tribunal for the Former Yugoslavia have participated in the work of the United Nations technical team and provided expert advice on judicial matters, on court organization and management, on premises for court offices and trial activity and on court security. Assistance and advice was also received from the Registrar of the Special Court for Sierra Leone and from the Special Panels in the National Courts in Timor-Leste.

Contacts with the NGO community

12. The preparatory process for the Extraordinary Chambers has generated considerable interest among NGOs, both in Cambodia and at the international level. I welcome the assistance by and collaboration with NGOs wherever they can provide relevant expertise. Such support could include:

- Collection, research, custody and translation of pre-trial documentation
- Training of national and international court personnel
- Monitoring and feedback
- Outreach and advocacy.

13. I have attached great importance to maintaining regular contacts with interested Cambodian and non-Cambodian NGOs to brief them as the project progresses and to listen to suggestions and concerns.

III. Concept of operations for the Extraordinary Chambers

14. The concept of operations has been formulated in the following context:

(a) Pursuant to its article 32, the Agreement will not enter into force until both parties have notified each other that the legal requirements for entry into force have been complied with;

(b) As indicated in my earlier reports (A/57/769, para. 77, and A/58/617, para. 7), the process of setting up the Chambers can only be initiated once sufficient money is in place to fund the staffing and the operations for a sustained period of time. I would consider that condition to be met when pledges for the full three years of operation of the Chambers as well as actual contributions for its first year of operations have been received. The experience with the Special Court for Sierra Leone has made this even more compelling.

Court proceedings

15. It is assumed that the overall time frame for the Chambers' operations will be three years, from the time that the Prosecutor's Office commences operations until the completion of all trials and appeals. It is assumed that trial judges, co-investigating judges and co-prosecutors would be appointed two months after the entry into force of the Agreement.

16. Within the overall time frame, it is anticipated that the investigation phase, comprising the work of the co-prosecutors and co-investigating judges, will last a total of a year and a half to two years. It will be the prerogative of the co-prosecutors and co-investigating judges, within the parameters laid down in the Agreement, to decide who exactly is to be investigated and prosecuted. However,

for the purpose of workload planning and resource-needs estimation, a range of from 5 to 10 indictees has been assumed.

17. Trials are expected to start 18 months after the entry into force of the Agreement and would last from nine months to a year and a half in each case. From one to three joint trials and from one to three individual trials may have to be accommodated. Two or more trials can be held simultaneously. A trial in one case and an appeal in another case may also be conducted simultaneously. Total trials and appeals activity will last from 15 to 18 months.

18. Proceedings will be conducted in three languages (Khmer, English and French) and will require simultaneous interpretation into/from these languages. There will be full audio/video recording of trial proceedings. Written summary records will also be kept, as is customary in legal systems of the kind to which Cambodia belongs. Considerable public outreach needs and media interest are expected, justifying audio/video broadcast of the trial proceedings, live or time-delayed, as may be decided by the Chambers on a case-by-case basis.

Documentation, witnesses and experts

19. It is expected that the Chambers will rely heavily on documentary evidence. Some 200,000 pages of documentary evidence are expected to be examined. The bulk of that documentation is held by the Documentation Centre of Cambodia, an NGO dedicated to research and preservation of documentation on crimes perpetrated during the period of Democratic Kampuchea. Several other sources of documentary evidence, both inside and outside Cambodia, may need to be accessed.

20. The documentation in question is nearly all in Khmer and only a small part of it has been translated to date. An intense translation effort is therefore required before actual investigative work can start. For reasons of cost-effectiveness, translation work of a non-privileged nature would be outsourced, with strict control of quality and consistent use of terminology. Raw material would first be screened for relevancy and sensitivity before being submitted for translation. This would require an in-house capability for initial summary translation from Khmer into English and French. Privileged documentation and records produced by the Chambers during the proceedings would be handled by in-house translators.

21. Up to 150 witnesses and/or plaintiffs (some 100 from within Cambodia and some 50 from abroad) are expected to be called on by the co-investigating judges, with about one fifth of these also having to appear at the trials proper. Up to 10 international experts, scholars and researchers are assumed to be appointed by the Chambers for brief periods.

Public outreach and media

22. I am aware of the expectation of the Government of Cambodia and of the international community that the Khmer Rouge trials will contribute substantially to national reconciliation in Cambodia. In addition, strong media interest, both nationally and internationally, is to be anticipated. The concept of operations therefore envisages public outreach and media activities as an integral part of the Extraordinary Chambers. It would be supported by a dedicated public affairs section that would work hand in hand with the Government, media and NGOs to achieve the widest possible coverage.

Premises

23. In accordance with article 14 of the Agreement, the Royal Cambodian Government is responsible for the provision, at its expense, of premises for the Extraordinary Chambers and its affiliate institutions (co-investigating judges, Prosecutors' Office and the Office of Administration). Article 14 also provides that the Royal Government is to provide for such utilities, facilities and services necessary for their operation that may be agreed upon with the United Nations.

24. The United Nations technical team and the Cambodian Government Task Force jointly reviewed a variety of possible venues. A single site accommodating both office and courtroom functions, affording work efficiencies and concentration of logistical and security resources in the same location would have been the optimal solution. However, no suitable single site with existing requisite facilities and infrastructure could be found in Phnom Penh. The option to construct a complete, self-contained facility was discarded as the financial and the project-management effort needed to sustain such a venture, as well as its likely time frame, seemed disproportionate considering the Chambers' limited period of operations. After extensive consultations and numerous site visits, both sides concurred that under the circumstances, the two facilities described below would provide the best possible solution at minimum investment.

25. The Chaktomuk Theatre is considered fully suitable for the courtroom and related facilities. Situated on Sisowath Quay close to the Ministry of Foreign Affairs, this is a prestigious, recently renovated site, fully functional, with a 500-seat visitor gallery. The facility will allow separate entrances for judges, detainee transportation and witnesses and visitors. It provides sufficient space to install access control booths separate from the main structure, temporary holding cells with direct stair access to the courtroom, interpretation booths in the courtroom, audio-visual systems and controls, lobby area sufficient to provide media support space, and area sufficient to accommodate judges' robing and meeting space. A first security assessment has been favourable, subject to installation of the usual security features.

26. The National Cultural Centre has been selected to serve as office accommodation for the trial judges, the co-investigating judges, the co-prosecutors and the Office of Administration. It consists of six low buildings plus ancillary structures, with a total gross area of 5,660 m^2, of recent construction, situated in a fenced compound of 22,000 m^2, some 0.5 km south of the Chaktomuk Theatre, in the prolongation of Sisowath Quay. It lies directly across from the new facilities for the Ministry of Foreign Affairs and for the National Assembly, currently under construction. The buildings will need little renovation work. One large building with a net surface of 750 m^2 is in move-in condition and could be used immediately to accommodate a start-up team. The compound is currently used to host trade fairs and similar events. Some limited construction work will be needed to expand the office space to meet the requirements of the Extraordinary Chambers. The initial security assessment has noted with concern the proximity of a six-storey commercial building to the rear of the site, but has overall been favourable.

Court personnel

27. The Extraordinary Chambers are conceived to function within the national Cambodian court structure and legal system. It was confirmed to the assessment

team during its two missions to Phnom Penh that the existing services of judicial administration in Cambodia are not able to support an operation of the degree of complexity that would characterize the Extraordinary Chambers. Substantial international participation and assistance in most aspects of the operation will therefore be required to ensure that the Chambers and their related institutions can be set up quickly, operate efficiently and function in conformity with international standards. Such participation is also expected to have considerable legacy value, inasmuch as it will result in the transfer of skills and know-how to Cambodian court personnel for the period after the conclusion of the Extraordinary Chambers.

28. The Chambers' unique mode of operation and needs call for a largely integrated staffing structure. With certain exceptions, national personnel (appointed and paid by the Cambodian Government) and international personnel (United Nations-appointed and paid) would work side by side in the same chain of command. Some sections, mainly those responsible for the control and administration of funds and assets and the application of administrative rules and procedures, will be partially integrated, as appropriate.

Legal status of international judges and other international court personnel

29. As was explained in my report (A/57/769), there are strong reasons for affording international judges, the international co-prosecutor and the international co-investigating judge the status of officials of the United Nations for the purposes of their terms and conditions of service. The General Assembly has so far not taken a decision in this matter. I find it necessary to stress the importance of this point to maintain the credibility of the Extraordinary Chambers and to ensure their independence and impartiality, both actual and perceived. For the same reasons, these positions would not seem to lend themselves to being filled through gratis personnel.

30. As to other international staff, these would be appointed under the appropriate series of the United Nations Staff Rules applying to technical cooperation staff. Proposals from governments for type I gratis personnel would be considered for a limited number of positions, within the framework of the view already expressed by the General Assembly regarding the acceptance of gratis personnel under the provisions of Administrative Instruction ST/AI/231/Rev.1. It is also intended to fill some junior judiciary and support positions by using the services of United Nations Volunteers.

Judicial training

31. To ensure the credibility of the Extraordinary Chambers, which will depend to a large extent on the integrity, impartiality and professional qualifications of judges, prosecutors and other court personnel, intensive training sessions are required for members of the Cambodian judiciary, including members of the bar. Training needs range from questions of the law applicable to the cases brought before the Extraordinary Chambers to the practices and techniques relating to complex criminal investigations and investigations and prosecutions of crimes against humanity and general principles of international criminal law. Both substantive aspects (definition of genocide, war crimes and crimes against humanity, and legal precedents) and procedural matters (court organization and functioning and rules of procedure of principal international criminal jurisdictions) are to be covered.

32. It is worth mentioning in this connection a technical cooperation project entitled "Legal and Judicial Reform — Preparatory Assistance" which is being carried out at present by the UNDP country office in Phnom Penh in support of capacity-building of the judiciary. It involves the initial training of a group of 25 to 30 Cambodian judges in international criminal and procedural law and is being carried out in close association with the recently created Royal School of Prosecutors and Judges. A similar introductory course will be organized for Cambodian defence counsel in partnership with the Cambodian Bar Association.

33. While not specifically linked to the Extraordinary Chambers, the UNDP project will prepare the ground for in-depth, practically oriented training to be organized for the period following the selection and appointment of Cambodian and international court personnel for the Extraordinary Chambers. The programme would have three objectives:

- Enable the future collaborators from the national and international backgrounds to form integrated teams and to develop common work methods and procedures
- Perfect the legal skills of judges and prosecutors
- Familiarize international court personnel with the Cambodian legal system and criminal procedure
- Give the support personnel (mainly court clerks and secretarial and clerical staff) the technical skills necessary to fulfil their functions (use of information technology and court-specific work procedures).

34. As the UNDP country office in Phnom Penh and the Royal School for Judges and Prosecutors have already set up a training infrastructure in connection with the above-mentioned technical cooperation project, consideration will be given to utilizing the existing framework for the specific training planned for the personnel of the Extraordinary Chambers.

Defence counsel support

35. In accordance with article 17 of the Agreement, the cost of counsel for indictees who lack sufficient means to pay for counsel themselves is to be borne by the United Nations. The Chambers' legal aid system would be managed by a small semi-autonomous Defence Support Unit, loosely linked to the Office of Administration, which would give basic legal assistance and support to Cambodian counsel who might be assigned by order of the court to the defence of indigent accused persons. The unit would also contract with international counsel to provide assistance to such Cambodian counsel. Appropriate budgetary provisions are necessary to attract international counsel of experience and competence at a level comparable to that of the attorneys working in the offices of the co-prosecutors and the co-investigating judges and to provide an adequate defence for persons accused before the Extraordinary Chambers. At the same time, duly experienced and competent international counsel would be required to ensure that trials comply with international standards of justice, fairness and due process of law. The Defence Support Unit would put in place a system to rationalize the cost of defence counsel and would exercise stringent control over payment of remuneration to counsel.

Security

36. Pursuant to article 24 of the Agreement, the Royal Government of Cambodia would be obliged to ensure the security, safety and protection of persons referred to in the Agreement. This includes staff of the Extraordinary Chambers and their related institutions, as well as witnesses, indictees and detainees. The operation of the detention facility and the transportation of detainees would also be the responsibility of the Government. In accordance with article 17 of the Agreement, the United Nations would be responsible for some safety and security arrangements as agreed separately with the Government.

37. The activities of the Extraordinary Chambers will require appropriate security and safety arrangements for protection of personnel, premises, assets, data and records. It would be prudent to assume that staff servicing the Chambers, especially trial judges, co-investigating judges and co-prosecutors would be exposed to potential threats and a degree of risk. Special measures would be taken to ensure their personal security, including close protection, both on and off court premises. A secure residential compound involving special protective measures would be set up for personnel considered at particular risk, including witnesses.

38. The United Nations Secretariat, with expertise provided by other international criminal courts and by the Office of the United Nations Security Coordinator, and the Government Task Force are preparing to formulate a joint security management plan. The Government has set up for this purpose a special Security Commission for the Extraordinary Chambers.

39. A provisional organizational chart for the Extraordinary Chambers is shown in the annex to the present report.

IV. Resource requirements

40. The financial burden assumed by Member States in recent years for the operation of international criminal tribunals has been significant. Donors are expecting budgetary restraint when planning for new internationally assisted criminal courts. On the other hand, an underfunded operating budget would lead to delays in the start-up of the Extraordinary Chambers and affect their ability to function in accordance with international standards of justice, fairness and due process of law.

41. My report (A/57/769) gave some tentative and preliminary figures illustrating part of what was then assumed to be the United Nations cost share in establishing and operating the Extraordinary Chambers. At the time, discussions with the Government of Cambodia on a concept of operations and on the financing of facilities, utilities, services and security had yet to start. The General Assembly was informed that those figures did not include provisions for remuneration of defence counsel, prosecutorial and investigative activities, supplies and materials, printing, miscellaneous contractual services, general temporary assistance, travel of witnesses, alteration and improvements of premises and cost of utilities and services for operation of the Chambers.

42. Meanwhile, the Cambodian Government published its own tentative cost projections for the Extraordinary Chambers, which it distributed to the international community in Phnom Penh during a donors' meeting, held on 20 October 2003.

43. Following discussion of a preliminary concept of operations, the United Nations technical team and the Government Task Force jointly reviewed all cost elements for the Extraordinary Chambers across the board, irrespective of funding responsibility, to ensure completeness and consistency of estimates. The United Nations team advised on United Nations standard costs and salary scales and on typical expenditure patterns at other United Nations-operated or assisted tribunals; the Government Task Force advised on local cost factors, including alteration, maintenance and operation of premises, other indirect costs to the Government and the intended levels of remuneration of national court personnel.

44. It should be noted that the Agreement leaves a margin for interpretation as to the share of the operating cost to be borne by each party respectively. Under the terms of its articles 14 and 17, only the remuneration of personnel and defence counsel, the provision of premises and the travel of witnesses are specifically allocated to one party or the other. Responsibilities for other objects of expenditure, such as furniture, supplies, information technology, transportation, contractual translations, telecommunications and audio-visual services are not clearly apportioned in the Agreement.

45. The United Nations team and the Government Task Force have formulated a tentative allocation of objects of expenditure on which basis the Secretariat prepared overall cost estimates. Current projections for the all-inclusive cost of the assumed three-year operation stand at US$ 57 million, covering both the Cambodian and the United Nations cost share. These have been the subject of consultations with interested Member States during recent months. A visit by a United Nations technical team to Cambodia to finalize the budget consultations, originally scheduled to take place in August 2004 had to be postponed to mid-September 2004 and was finally cancelled at the request of the Government of Cambodia. The Government of Cambodia Task Force was of the view that it would be better to have the final stage of discussions with the United Nations team and the donors once the Agreement and the Amendment Bill were approved by the National Assembly.

46. Meanwhile, the Government of Australia has announced a pledge of A$ 3 million (US$ 2.1 million) to fund the Extraordinary Chambers for its planned three years of operation. The Governments of France and Japan have informed me of their firm intention to make voluntary contributions in the amount of US$ 1 million and US$ 3 million, respectively, for the first year of the activities of the tribunal.

V. Conclusion

47. After a prolonged stalemate, the political and institutional processes in Cambodia have resumed. According to the Cambodian authorities, the Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea was to be submitted for ratification by the relevant Cambodian constitutional authorities as a matter of priority. In the meantime, planning and preparation work has proceeded. Following completion of the still ongoing review of budget estimates, it is my intention to bring its results to the attention of the General Assembly in the form of an addendum to the present report. Based on the final cost projections, I will then formally appeal for voluntary

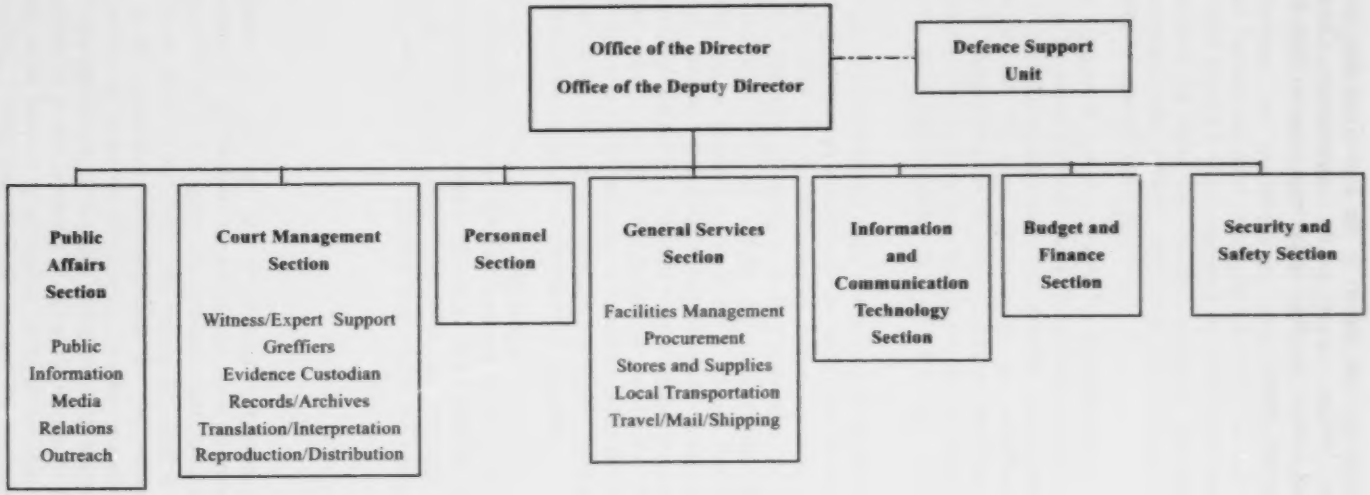
contributions from donors to the Trust Fund that has been established to finance United Nations support to the Extraordinary Chambers, complementing those limited pledges that have so far been received from the Governments of Australia, France and Japan.

Annex

EXTRAORDINARY CHAMBERS
PROVISIONAL ORGANIZATIONAL CHART

Chambers and Judiciary Offices

Office of Administration



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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Secretary-General on Khmer Rouge trials

Addendum

1. At the time of issuance of the Secretary-General's report of 12 October 2004 on the Khmer Rouge trials (A/59/432), it was indicated that the National Assembly and the Senate had approved the Agreement between the Royal Government of Cambodia and the United Nations, together with amendments to the Cambodian Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea ("the Law") aimed at bringing that Law into conformity with the Agreement. Certain further steps still remained to be taken, in accordance with the relevant provisions of Cambodian law, before the Agreement could be ratified by Cambodia.

2. By a letter dated 2 November 2004, the Permanent Mission of the Kingdom of Cambodia to the United Nations has now provided the Organization with an original copy of an Instrument of Ratification of the Agreement between the United Nations and the Royal Government of Cambodia, done on 19 October 2004.

3. It will be recalled that the General Assembly approved the draft Agreement in its resolution 57/228 B of 13 May 2003.

4. Article 32 of the Agreement provides that, following its approval by the General Assembly and its ratification by Cambodia, the Agreement will enter into force once both parties have notified each other in writing that the legal requirements for entry into force have been complied with. As the Agreement is now in force, the Secretary-General is preparing for full implementation and will keep Member States informed of progress achieved.

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Fifty-ninth session
Agenda item 108
Programme budget for the biennium 2004-2005

Financial situation of the International Research and Training Institute for the Advancement of Women*

Report of the Secretary-General

Summary

The Fifth Committee, by its decision contained in document A/58/649, decided to inform the General Assembly that, should it adopt draft resolution A/C.3/58/L.36 (subsequently resolution 58/244), an amount of $234,700 would be set aside in the contingency fund for the biennium 2004-2005 to provide the International Research and Training Institute for the Advancement of Women (INSTRAW) with complementary funds, if needed, and requested the Secretary-General to indicate to the General Assembly at its second resumed fifty-eighth session whether those resources would be required. At the beginning of the second resumed fifty-eighth session, it was determined, in consultation with the Director of the Institute, that there was no immediate need for additional resources.

It is anticipated that the resources currently available in the INSTRAW Trust Fund will allow the operations of the Institute to continue until the end of 2004 with a projected closing balance of $23,717. It is also estimated that $1,183,760 would be required to sustain the Institute's operations in 2005.

* The submission of the present report has been timed to reflect the latest available information for assessing the financial situation of INSTRAW.

04-55387 (E) 051104

I. Introduction

1. In paragraph 5 of its resolution 58/244 of 23 December 2003 on the future operation of the International Research and Training Institute for the Advancement of Women (INSTRAW), the General Assembly decided, inter alia, to continue to provide its full support to the current efforts to revitalize the Institute and, in this regard, to provide funds complementary to the existing ones, if needed, to ensure that the Institute would have adequate resources to function for a period of one year.

2. Before adoption of the aforementioned resolution, the Fifth Committee, by its decision contained in document A/58/649, decided to inform the General Assembly that, should it adopt draft resolution A/C.3/58/L.36 (subsequently resolution 58/244), an amount of $234,700 would be set aside in the contingency fund for the biennium 2004-2005 to provide INSTRAW with complementary funds, if needed. The Committee requested the Secretary-General to indicate to the Assembly at its second resumed fifty-eighth session whether those resources would be required.

3. At the beginning of the second resumed fifty-eighth session, upon review of the financial situation of the Institute, it was determined, in consultation with the Director of the Institute, that there was no immediate need for additional resources to be provided by the General Assembly to INSTRAW. Under the circumstances, the present report on the financial situation of the Institute is submitted to the current session of the Assembly.

II. Financial situation of the Institute

4. It was anticipated in the statement of programme budget implications of resolution 58/244 (A/C.5/58/24) that the estimated INSTRAW Trust Fund balance would amount to $735,600 as at 31 December 2003 and that those resources would be sufficient for financing INSTRAW operations, including the salaries of nine staff (1 D-2, 1 P-3, 2 P-2 or P-1 and 5 General Service) and related operating expenses through September 2004, and that an additional amount of $234,700 would be required to maintain the Institute to the end of 2004.

5. Since a number of additional voluntary contributions were received in December 2003 and the Institute's expenditures in November-December 2003 remained lower than anticipated, the available balance of the INSTRAW Trust Fund as at 31 December 2003 amounted to $843,417.

6. During the United Nations pledging conference for development activities held in New York on 4 November 2003, an amount of $4,788 was pledged to the INSTRAW Trust Fund for 2004. As at 30 September 2004, the total unpaid pledges to the INSTRAW Trust Fund amounted to $49,757.

7. For the period 1 January to 30 September 2004, additional income received in the Trust Fund amounted to $109,100, comprising voluntary contributions of $101,706 and miscellaneous income of $7,394.

8. While a new Director of the Institute and one P-3 staff member have been appointed since 1 December 2003, one P-2/1 post and one General Service post were only filled in June 2004. Since then, the Institute has had its complement of nine staff (1 D-2, 1 P-3, 2 P-2/1 and 5 General Service). Expenditures incurred

during the period 1 January-30 September 2004 and projected requirements for the period 1 October-31 December 2004 by budget line are shown in table 1 below.

Table 1
Expenditures of the Institute for January-September 2004 and projected requirements for October-December 2004
(United States dollars)

	January-September 2004	*October-December 2004*
Staff and other personnel costs	348 708	164 542
Consultants and experts	87 040	22 960
Travel	80 958	31 542
Contractual services	24 203	9 697
Operating expenses	28 961	31 239
Acquisitions	52 679	10 521
Other expenses	15 548	20 202
Total	**638 097**	**290 703**

9. The INSTRAW Trust Fund balance as at 30 September 2004 is estimated at $314,420. It is anticipated that expenditures for the period October through December 2004 would amount to $290,703. As before, these estimates, including staff salaries, are calculated on the basis of full incumbency of the existing nine posts and the related operating expenses for the period January-December 2004, taking into account savings resulting from two posts (1 P-2/1 and 1 General Service) being vacant until 31 May 2004. On this basis, the projected closing balance as at 31 December 2004 would amount to $23,717, as shown in table 2 below.

Table 2
Estimated financial situation of the Institute in 2004
(United States dollars)

Opening balance	843 417
Income received	
Government contributions	101 706
Miscellaneous income	7 394
Subtotal	**109 100**
Total income	**952 517**
Expenditures (January-September)	(638 097)
Fund balance as at 30 September	314 420
Projected cost of operations (October-December)	(290 703)
Projected surplus (deficit) as at 31 December	23 717
Projected closing balance	**23 717**

10. Accordingly, it is estimated at this stage that the Institute would have adequate resources to function until the end of 2004 and no complementary funds would be required in this regard.

11. In the proposed operational budget for the year 2005, submitted to the Executive Board at its resumed session on 1 October 2004, INSTRAW estimated the 2005 core requirements at $1,183,760. As matters stand at this point, funds have neither been pledged nor received to finance operations in 2005. Under the circumstances, the General Assembly will need to consider the future viability of the Institute.

III. Conclusion

12. **The General Assembly may wish to take note of the financial situation of INSTRAW and take such action as it deems to be appropriate.**